

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 No. 1:20-cr-10098-WGY

4  
5 UNITED STATES OF AMERICA

6  
7 vs.

8  
9 BRIAN GILBERT and STEPHANIE STOCKWELL

10  
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12  
13 For Zoom Hearing Before:  
14 Judge William G. Young

15 Plea Change

16  
17 United States District Court  
18 District of Massachusetts (Boston.)  
19 One Courthouse Way  
20 Boston, Massachusetts 02210  
21 Thursday, October 29, 2020

22 \*\*\*\*\*

23 REPORTER: RICHARD H. ROMANOW, RPR  
24 Official Court Reporter  
25 United States District Court  
One Courthouse Way, Room 5510, Boston, MA 02210  
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1 P R O C E E D I N G S

2 (Begins, 3:00 p.m.)

3 THE CLERK: Now hearing Criminal Matter 20-10098,  
4 the United States of America versus Brian Gilbert and  
5 Stephanie Stockwell.

6 THE COURT: Good afternoon. This is a hearing  
7 held via our zoom platform. Our host for this hearing  
8 is Courtroom Deputy Clerk, Jennifer Gaudet. On the line  
9 is our Official Court Reporter, Rich Romanow.

10 Because this is an official proceeding of the  
11 court, it is open to the press and public. I have no  
12 idea whether any members of the press or public are  
13 present on the line, but if they are I must tell them  
14 now that you must keep your microphones muted and  
15 there's -- excuse me, and there is -- the rules of court  
16 remain in full force and effect, there is no  
17 rebroadcast, taping, streaming, or other transmission of  
18 this court proceeding.

19 With that done, would counsel introduce themselves  
20 and who they represent, starting with the government.

21 MR. KOSTO: Good afternoon, your Honor, Assistant  
22 United States Attorney Seth Kosto, K-O-S-T-O, appearing  
23 on behalf of the government.

24 THE COURT: Good afternoon, Mr. Kosto.

25 MS. MINER: Good afternoon, your Honor, Tracy

1 Miner on behalf of Stephanie Stockwell, and let me  
2 introduce Gail Shifman who is representing Stephanie as  
3 well and will be handling this hearing.

4 MS. SHIFMAN: Good afternoon, your Honor.

5 THE COURT: Oh, good afternoon. I recognize you  
6 there.

7 All right. And for Mr. Gilbert?

8 MS. KANE: Yes, your Honor. Good afternoon,  
9 Miranda Kane on behalf of Brian Gilbert. Mr. Gilbert is  
10 present with me here and has agreed to the proceeding by  
11 way of zoom.

12 THE COURT: All right, you've anticipated me.

13 There are two things that I need to -- well  
14 actually a number of things that I need to inquire of  
15 your clients of, but the first one is this business  
16 about zoom. And since you've raised it, we'll ask  
17 Mr. Gilbert first.

18 Mr. Gilbert, you don't -- well, one, you don't  
19 have to plead guilty, and we're going to have to talk  
20 about that in detail, but you don't have to proceed by  
21 way of zoom. The only way we can go forward with a  
22 hearing like this is if you consent to it. And if you  
23 do, then -- and as I've said, it's an official court  
24 proceeding and it -- it counts, it's in every sense a  
25 valid proceeding, but you have to consent to it.

1           Now your counsel said that you and she have talked  
2 this over. Is that correct?

3           MR. GILBERT: Yes, sir.

4           THE COURT: And I realize I should ask counsel.  
5 You have no objection if I inquire of him directly?

6           MS. KANE: No, your Honor.

7           THE COURT: All right. And having talked it all  
8 over, do you agree to proceed in this proceeding by way  
9 of zoom?

10          MR. GILBERT: Yes, I do.

11          THE COURT: All right. And to Ms. Stockwell's  
12 counsel -- and I'm sorry I didn't catch your name, I  
13 know Ms. Miner, but, counsel, you have no objection if I  
14 talk directly to Ms. Stockwell?

15          MS. SHIFMAN: That's correct, your Honor, I have  
16 discussed this with her and she agrees to proceed by  
17 zoom and I have no objection. And just for the record  
18 my name is Gail Shifman.

19          THE COURT: Thank you, Ms. Shifman, that's my  
20 fault and I apologize.

21          Ms. Stockwell, we have a number of things to  
22 discuss, but this first one is do you really want to do  
23 this by this zoom on-camera proceeding? And there  
24 really are two questions.

25          You've talked it all over with your attorney?

1 MS. STOCKWELL: Yes, your Honor, I have.

2 THE COURT: And you do want to proceed in this  
3 fashion?

4 MS. STOCKWELL: Yes, I do.

5 THE COURT: All right.

6 The law and the regulations require that I make a  
7 finding and I'll proceed now to do it.

8 Zoom proceedings are authorized under the United  
9 States Cares Act passed by the Congress and regulated by  
10 -- regulations issued by the United States Judicial  
11 Conference. In this district they proceed under order  
12 of our Chief Judge Dennis Saylor upon unanimous vote of  
13 the court. That order requires that the individual  
14 judge make a finding that it is in the interests of  
15 justice so to proceed. I do make that finding.

16 Now I understand from counsel that each of you  
17 wants to tender a plea of guilty to the charges in this  
18 case. And before we go any further, let me have the  
19 Clerk swear each one of you because I'm going to be  
20 asking questions and the answers are under oath. So  
21 I'll turn to the Clerk.

22 THE CLERK: Mr. Gilbert, would you please raise  
23 your right hand.

24 (BRIAN GILBERT, sworn.)

25 MR. GILBERT: Yes, I do.

1 THE CLERK: Ms. Stockwell, would you please raise  
2 your right hand.

3 (STEPHANIE STOCKWELL, sworn.)

4 MS. STOCKWELL: Yes, I do.

5 THE CLERK: I'm sorry, we could not hear you.

6 MS. STOCKWELL: Yes, I do.

7 THE COURT: Very well.

8 Now each one of you indicates that you want to  
9 plead guilty to the charges against you. Before I can  
10 allow you to plead guilty, and it is up to me, I have to  
11 find out certain things.

12 I have to find out that each one of you -- and  
13 I've put the proceeding together, but I'm going to be  
14 asking individual questions to each one of you and I'm  
15 going to be listening very carefully to the answers. So  
16 let me outline in general what's going to happen.

17 I need to find out that each one of you knows what  
18 you're doing, each one of you knows what you're giving  
19 up, because you give up things that are terribly  
20 important to you if you plead guilty. Each one of you  
21 has to understand what may happen to you if you plead  
22 guilty. And then I have to be satisfied that each one  
23 of you wants to plead guilty. Now that's the second  
24 point and far more important than this zoom business.

25 You're in charge here. Neither one of you -- I

1 see plea agreements and the like, but neither one of you  
2 has to go through with it. You don't have to plead  
3 guilty. And this is not a determination -- you're very  
4 wise to talk to your attorneys, yes, talk to your  
5 family, people upon whom you rely, but in the final  
6 analysis this is your decision, only your decision. And  
7 I want you to know that it makes no difference to me.  
8 If either one of you decides not to plead guilty, I'm  
9 not angry, it doesn't mess up any afternoon, it -- all  
10 it does is change how we proceed, we'll get your case  
11 ready for trial, and then I'll give you a fair and an  
12 impartial trial, that's guaranteed to you by the  
13 Constitution.

14 And understand this, if we go to trial and you're  
15 found guilty, yes, I may punish you for the crimes of  
16 which you're found guilty, but never will I punish you,  
17 not one day, never will I make it worse because you went  
18 to trial.

19 Now, Ms. Stockwell, you understand that?

20 MS. STOCKWELL: (Silence.)

21 THE COURT: Somehow I see your lips move but I  
22 didn't hear you.

23 MS. STOCKWELL: I do, your Honor.

24 THE COURT: All right.

25 And, Mr. Gilbert, do you understand that?



1 MR. GILBERT: Yes, I do.

2 THE COURT: And then the last thing I need to know  
3 -- and I've seen a description of the particular  
4 offenses, but I need to know from the government, I want  
5 them to recite to me, touching on the essential  
6 elements, what they think they can prove here if we went  
7 to trial, and then I'll ask each one of you separately,  
8 so far as it pertains to you, "Are those things true?"

9 Now while I'm asking the questions, understand  
10 that you can stop at any time, all you have to do is say  
11 so, that's fine, and you can talk with your lawyers, and  
12 we can turn off the mics so we can go off the screen and  
13 ensure, and Ms. Gaudet will ensure, that none of us can  
14 hear what you say to your attorney, and that's fine.

15 Also, if I ask you a question and you don't  
16 understand it, stop me, I have to ask the questions in a  
17 manner that you understand.

18 So let's start with the "Do you know what you're  
19 doing?" And when I ask the individual question, I'll  
20 start with Ms. Stockwell.

21 So, Ms. Stockwell, would you now -- you're sworn,  
22 so would you state your full name.

23 MS. STOCKWELL: My name is Stephanie Gail  
24 Stockwell.

25 THE COURT: And how old are you, ma'am?

1 MS. STOCKWELL: I'm 26.

2 THE COURT: How far did you go in school?

3 MS. STOCKWELL: I have a master's degree.

4 THE COURT: Have you ever been treated for a  
5 mental illness or mental condition of any sort?

6 MS. STOCKWELL: I have.

7 THE COURT: And would you just tell me what it is?

8 MS. STOCKWELL: I have autism. I also have ADHT  
9 and depression.

10 THE COURT: Now, um, I don't really want to get  
11 into it in a clinical sense, but do you take medication  
12 for these conditions?

13 MS. STOCKWELL: I do.

14 THE COURT: Are you taking the medication as  
15 prescribed?

16 MS. STOCKWELL: Yes.

17 THE COURT: And how do you feel today?

18 MS. STOCKWELL: Okay, given the circumstances,  
19 thank you very much.

20 THE COURT: And I think that's a very straight  
21 answer. I can understand nervousness. The key thing  
22 that I need to know is that you have a true  
23 understanding of what's going on and the roles of the  
24 different people.

25 THE COURT: So are you clear now that, um -- she's

1 your attorney, and Ms. Miner, they're 100 percent in  
2 your corner. Do you understand that?

3 MS. STOCKWELL: Yes, I do.

4 THE COURT: And you understand the government  
5 lawyer, he's the prosecutor, he's got to follow the law,  
6 he's got to be fair, but he's representing the other  
7 side in the charges against you. You understand that?

8 MS. STOCKWELL: Yes, I do understand.

9 THE COURT: And do you understand that I'm the  
10 judge and I am truly neutral, my role here this  
11 afternoon is just to see that the law is followed.  
12 Honestly I said this, but it's true, I don't care  
13 whether you plead guilty or not, but I have to explain  
14 things accurately to you.

15 Do you understand what my role is here this  
16 afternoon?

17 MS. STOCKWELL: I do, your Honor.

18 THE COURT: Do you think you can make, truly make  
19 your own decisions here about whether to plead guilty?

20 MS. STOCKWELL: Yes, I do.

21 THE COURT: All right.

22 Now other than what you've told me about mental  
23 conditions, are you taking any other medication?

24 MS. STOCKWELL: Um, yes.

25 THE COURT: Do you mind telling me for what?

1 MS. STOCKWELL: Um, I take birth control.

2 THE COURT: All right. But that doesn't affect  
3 your ability to make your own decisions, that's right,  
4 isn't it?

5 MS. STOCKWELL: Yes, that's correct.

6 THE COURT: All right.

7 Are you under the influence of alcohol?

8 MS. STOCKWELL: No, I'm not.

9 THE COURT: Are you under the influence of any  
10 drug?

11 MS. STOCKWELL: No, I am not.

12 THE COURT: Do you know what you're charged with?

13 MS. STOCKWELL: I do.

14 THE COURT: Tell me.

15 MS. STOCKWELL: I am charged with conspiracy to  
16 commit cyberstalking as well as obstruction of justice.

17 THE COURT: It isn't a test but that's right, and  
18 we will go over that.

19 Now, Mr. Gilbert, I'm going to ask you the same  
20 questions, but let me ask you carefully and  
21 individually.

22 Will you state your full name, sir.

23 MR. GILBERT: Brian Matthew Gilbert.

24 THE COURT: And how old are you, sir?

25 MR. GILBERT: 52.

1 THE COURT: How far did you go in school?

2 MR. GILBERT: I have a bachelor's degree.

3 THE COURT: Now have you ever been treated for any  
4 mental illness or condition of some sort?

5 MR. GILBERT: No, your Honor.

6 THE COURT: Are you taking any medication today?

7 MR. GILBERT: No.

8 THE COURT: Are you under the influence of any  
9 drugs?

10 MR. GILBERT: No.

11 THE COURT: Are you under the influence of  
12 alcohol?

13 MR. GILBERT: No.

14 THE COURT: Do you know what you're charged with?

15 MR. GILBERT: Yes.

16 THE COURT: Tell me.

17 MR. GILBERT: Conspiracy to commit cyberstalking  
18 and tampering with a witness.

19 THE COURT: Conspiracy to tamper with a witness,  
20 that's right.

21 Now let me explain to both of you what it is in  
22 your individual cases that the government has to prove.

23 The government has to prove here that each one of  
24 you conspired. Now while it's charged that you and  
25 other people conspired together, they've got to prove

1     that each one of you separately conspired with one or  
2     more of the other people whom they have charged. And a  
3     conspiracy requires them to prove three things.

4             First, it requires them to prove the knowing  
5     agreement to do something that the law forbids. It  
6     doesn't require that you know the specific requirements  
7     of the law, but it does require that they prove each one  
8     of you individuals -- individually, knowing what you  
9     were doing, agreed with one of the others, or more than  
10    one, to do things, to take steps to do things that in  
11    fact the law forbids being done.

12            Now a conspiracy -- you're not conspirators  
13    because you happened to work together or have the same  
14    employer. You're not conspirators because you might be  
15    friends. You're not conspirators because you hung  
16    around with one another. You're not conspirators even  
17    if you knew other people were getting together and doing  
18    -- agreeing to do certain things the law forbids and you  
19    didn't report it, you didn't do anything about it. The  
20    law requires that you, knowing what you were doing,  
21    actually agree to be in on the conspiracy.

22            So a conspiracy is an agreement. It doesn't have  
23    to be in writing. It doesn't have to be a handshake.  
24    It doesn't have to be a wink or a nod. But it's got to  
25    be a genuine deal, a genuine knowing agreement between

1 you and at least one of the other people that they've  
2 charged as conspirators. That's the first thing.

3 Now the second thing is it's not just some general  
4 agreement, here -- and there's two separate charges, and  
5 I'll explain why. Here on the second point, they have  
6 to prove, as to each one of you individually, that the  
7 deal you were in on was to do the acts which constitute  
8 cyberstalking for the first count, the first charge, and  
9 the deal that you were in on for the second charge was  
10 to tamper with a witness. So let me talk about those  
11 specific acts.

12 "Cyberstalking" under our laws is now, in this age  
13 of digital and computer communication, it is to use the  
14 means of interstate commerce -- it has to be interstate  
15 commerce, to engage in harassment and putting people --  
16 excuse me.

17 (Phone rings.)

18 I'm here alone so you have to -- we're all remote,  
19 so you have to forgive me. And I was explaining  
20 "cyberstalking."

21 -- to harass or put in fear someone by use of  
22 computers and computer communications, the "cyber"  
23 world.

24 "Tampering" with a witness is a separate crime and  
25 that means interfering with a person, by threat,

1 coercion, intimidation, or other means -- otherwise  
2 other means to tamper with that witness's willingness or  
3 ability to truthfully explain, engage, and respond to  
4 lawful law enforcement inquiries. That's witness  
5 tampering.

6 Now those are substantive crimes. Neither one of  
7 you is charged with a substantive crime, each one of you  
8 is charged with conspiracy to do those two separate  
9 substantive crimes.

10 For conspiracy, the government has to prove one  
11 other thing as to each one of you. On each count they  
12 have to prove it. They have to prove that, um, in the  
13 conspiracy to cyberstalk, that one of the  
14 conspirators -- not necessarily you, but one of the  
15 conspirators did something to make the crime come about,  
16 took some step, they call it the "overt act," to make  
17 the crime come about. They don't have to prove that the  
18 crime was successful, but you have to take some overt  
19 step to make the crime come about. Actually I said that  
20 wrong, not you had to do it, one of the conspirators had  
21 to do it as part of the conspiracy.

22 And the same thing for tampering the witness. Not  
23 that you took the step to tamper with a witness, but one  
24 of the conspirators, in a conspiracy of which you were a  
25 part, took such a step to tamper with a witness.



1           Now, Ms. Stockwell, do you understand that the  
2 government has to prove those three things on each of  
3 the counts against you?

4           MS. STOCKWELL: I do, your Honor.

5           THE COURT: And Mr. Gilbert, do you understand  
6 that the government has to prove those three things on  
7 each of the counts against you?

8           MR. GILBERT: Yes, I do.

9           THE COURT: Now let's talk about your rights, and  
10 again I'm going to talk generally and then I'm going to  
11 ask you individual questions.

12           The document, the charging document I have before  
13 me is called an information. There's nothing suspect  
14 about an information, it's a perfectly legal -- excuse  
15 me.

16           (PHONE RINGS.)

17           Excuse me again. We were talking about your  
18 rights and I was beginning to explain about an  
19 information.

20           An information is perfectly fine, it can be the  
21 basis of a guilty plea, it can be the basis of a trial,  
22 but only if you agree. And you have the right, on these  
23 charges, serious charges, felony charges, to be  
24 indicted.

25           Now what that means is that you -- the government

1 first has to put its evidence before a grand jury. You  
2 can't be there, your lawyer can't be there. The grand  
3 jury doesn't decide whether you're innocent or guilty,  
4 or not guilty, all they decide is whether there's  
5 probable cause to believe that you are guilty, and they  
6 only hear the government's side and they only vote by  
7 majority vote. The benefit to you though is that if  
8 they decide not to indict you, then the government  
9 cannot -- the federal government cannot come after you  
10 again on these charges.

11 Now in both cases I have signed waivers of  
12 indictment, and when I come to ask the questions  
13 individually, I will ask you about that. But it appears  
14 that you have waived, you've given up your rights to be  
15 indicted.

16 Well here are other rights that you have. You  
17 have the right to a fair and an impartial trial in, um,  
18 each of your cases, a trial before a jury -- not a grand  
19 jury, but a trial jury, of at least 12 people. They  
20 have to agree unanimously, beyond a reasonable doubt,  
21 that you've committed these charges or any one of these  
22 charges.

23 At that trial the government bears its burden of  
24 proof and you have the right -- it never shifts to you,  
25 you have the right to confront the witnesses against

1     you. That means that you'll be right there in the  
2     courtroom, you can see the witnesses as they testify,  
3     you, um, hear them testify, but far more important, your  
4     lawyers can ask them questions, can cross-examine them,  
5     can call witnesses on your own behalf, you can testify  
6     on your own behalf, your lawyers can make arguments on  
7     your behalf. And if you plead guilty, none of those  
8     things will happen. But of course you don't have to do  
9     any of those things.

10           And that implicates another right. You can be  
11     completely silent, completely silent, and to the extent  
12     you're silent, I'm going to tell the jury, if you go to  
13     trial in this case, you are innocent people, that's --  
14     those are the words I'm going to use. I'm going to  
15     gesture to you and I'm going to say "She's innocent,"  
16     and as to Mr. Gilbert, "He's innocent," and it's up to  
17     the government to prove, beyond a reasonable doubt, that  
18     you are guilty.

19           Now I'm not just talking here, these things apply  
20     to me as well. I don't -- it's not true that I don't  
21     know anything about this case, I do know something about  
22     the case because I've read the legal papers and I've  
23     accepted the guilty plea of a couple other people, but  
24     that's not evidence against you. As to you, this is the  
25     first time we've ever met, I don't know you, and insofar

1 as -- I hear you say you want to plead guilty, but  
2 insofar as mentally I can do it, I take you as innocent.

3 Now one other thing. And looking at these plea  
4 agreements I see that in each of your cases there are  
5 what the court, under the sentencing guidelines, we call  
6 "enhancements," that is particular things that, um, the  
7 government says it can prove which would make the  
8 sentencing range -- it's advisory, I don't have to  
9 follow it, but I certainly make an attempt to, but that  
10 would make your sentence more severe. As to each one of  
11 you, the government says that they can prove these  
12 things and in this session of the court, as I understand  
13 the Constitution of the United States, I make them prove  
14 them at the trial on evidence beyond a reasonable doubt,  
15 and I wouldn't count any of these things against you  
16 unless either it gets proved at trial or -- excuse me,  
17 or you admit it here in the guilty plea.

18 So again starting with you, Ms. Stockwell, and  
19 talking first about the waiver of the indictment, have  
20 you talked all of this over with Ms. Shifman, waiving  
21 the indictment?

22 MS. STOCKWELL: Yes.

23 THE COURT: And you understand what an  
24 "indictment" is as I've explained it?

25 MS. STOCKWELL: Yes, I do.

1           THE COURT: And is this your signature here on  
2 this document?

3           MS. STOCKWELL: Yes, it is.

4           THE COURT: And in fact you waive indictment, is  
5 that right?

6           MS. STOCKWELL: Yes, I do.

7           THE COURT: Now as to these other things -- that  
8 now I've been talking about, the things that go along  
9 with the trial and the possible proof of an enhancement.  
10 You understand you have these rights, correct?

11          MS. STOCKWELL: I do.

12          THE COURT: If you plead guilty, they're all gone.  
13 We're never going to have a trial. We'll never get to  
14 see the witnesses. But you can still be silent until I  
15 sentence you, you don't ever have to say anything  
16 against yourself. But if I sentence you on these crimes  
17 and for some reason somebody goes to trial or if the  
18 government is doing further inquiries within the company  
19 or something about other people, you know once I've  
20 sentenced you, you have to tell what you know about  
21 these specific crimes, your involvement in these  
22 specific crimes, because there's no Fifth Amendment  
23 privilege because you're convicted, you're guilty.

24          You understand?

25          MS. STOCKWELL: I understand that, your Honor.

1 THE COURT: All right.

2 Now Mr. Gilbert, the same questions starting with  
3 the indictment.

4 I see what appears to be the waiver of the  
5 indictment. You've talked all this over with your  
6 attorney?

7 MR. GILBERT: Yes, I do.

8 THE COURT: You understand what your rights are to  
9 be indicted?

10 MR. GILBERT: Yes.

11 THE COURT: And I see -- is this your signature on  
12 this waiver?

13 MR. GILBERT: Yes, it is.

14 THE COURT: And I understand that after talking  
15 with your attorney you give up the right to be indicted  
16 and you'll deal with the information, is that correct?

17 MR. GILBERT: That is correct.

18 THE COURT: All right, I find both, knowingly,  
19 intelligently, and voluntarily, waive indictment.

20 Now talking about the trial. All these rights  
21 that go along with the trial as well as in this session,  
22 your right to make the government prove these  
23 enhancements. You understand that if you plead guilty,  
24 you've given all that away?

25 MS. KANE: Your Honor, with respect to the

1 sentencing enhancement -- and this is Miranda Kane,  
2 there is one factual assertion in the sentencing  
3 enhancement that we're reserving the right to argue at  
4 the time of sentencing. I just wanted to make sure  
5 that's clear.

6 THE COURT: I appreciate your saying that, and  
7 let's be clear, because the way I explain it, I'm giving  
8 him a right to a jury trial. But as I understand you're  
9 saying to me, he'll give up the jury trial on that  
10 enhancement even though you don't admit it -- and we're  
11 not going to have you admit it here, and the way we'll  
12 handle that is by argument at sentencing. Is that  
13 correct?

14 MS. KANE: Thank you, that's the clarification I  
15 wanted to make clear on the record, and I'll turn it  
16 back to Mr. Gilbert.

17 THE COURT: Well not yet because I want you to  
18 tell me what enhancement are we talking about?

19 MS. KANE: And the enhancement that we're  
20 specifically reserving on is the, um, the distribution,  
21 I think it's the sophisticated means -- and I don't have  
22 the exact number in front of me, but I can pull it up.  
23 Sorry.

24 THE COURT: That's all right.

25 (Pause.)

1 MR. KOSTO: Your Honor, I have the plea agreement  
2 available if at any point you'd like me to help you.

3 MS. KANE: Yes, Mr. Kosto, if you don't mind just  
4 point us -- tell us the exact section -- I'm scrolling  
5 through it to find the place, to make sure that I am  
6 referencing it correctly.

7 MR. KOSTO: The government's understanding is that  
8 what Mr. Gilbert has reserved the right to argue at  
9 sentencing is that the victim group should not receive  
10 an enhancement under the sentencing guidelines for,  
11 quote, "a pattern of activity involving threatening and  
12 harassing the parties." We're largely in agreement on  
13 the facts of what happened, but he'll be making an  
14 argument as to whether those facts constitute a pattern  
15 of activity involving threatening and harassing under  
16 USSG Section 2(a)(6.2)(b)(1).

17 THE COURT: Thank you.

18 And Ms. Kane --

19 MS. KANE: That's my understanding.

20 THE COURT: And you agree with that. So I just --  
21 one final thing on this.

22 It's not that we're going to have a jury-waived  
23 trial on this, what we're going to do is argue the  
24 application of the language of the enhancement to  
25 generally-agreed facts and you're not admitting the



1 facts, is that correct, that's what you're going to do  
2 at sentencing?

3 MS. KANE: Yes, your Honor.

4 THE COURT: Okay, fine.

5 Now --

6 MS. SHIFMAN: Your Honor, with regard to  
7 Ms. Stockwell, that statement stating a sentencing  
8 enhancement will also be argued at sentencing and is  
9 encompassed in the plea agreement.

10 THE COURT: And I appreciate that. So -- but --  
11 so I understand the procedure, Ms. Shifman, we're not  
12 going to have a jury-waived trial on this, I'm going to  
13 -- you're not going to admit it, we're going to -- well  
14 she's not going to admit it, we'll argue at sentencing  
15 the application of that enhancement to the facts, is  
16 that pretty much it?

17 MS. SHIFMAN: That's correct, your Honor.

18 THE COURT: Very well.

19 All right. Now, um -- well let's go back.

20 MS. KANE: I think I interrupted you, your Honor,  
21 when you were asking Mr. Gilbert if he was going to  
22 waive his rights --

23 THE COURT: And you have me at the right spot,  
24 Ms. Kane, thank you.

25 So, Mr. Gilbert, sticking with you -- and I

1 appreciate your lawyer clarifying that, and when we let  
2 the government recite things, they're not going to  
3 recite it in a way that suggests that you agree to that  
4 particular enhancement, and I -- and my mind is  
5 specifically open on that.

6 But with that exception, you agree that all your  
7 rights are gone -- well again you can be silent until I  
8 sentence you, but once I sentence you, then your right  
9 to be silent to that -- about your criminal involvement  
10 here, that's gone, and if they're investigating other  
11 people or, um, further investigating this conspiracy,  
12 you have to say what you know. You know that?

13 MR. GILBERT: I understand, sir.

14 THE COURT: Very well. Now let's talk about what  
15 may happen to each one of you.

16 I understand there's a plea agreement here, but  
17 now I'm going to turn to the government, not because I'm  
18 listening only to the government, but at sentencing I  
19 will listen to the government, but I'll listen to each  
20 one of your attorneys and I'm going to listen to you if  
21 you wish to say anything. By while we're at this stage,  
22 while you're each still innocent, here's what I want the  
23 government to tell me.

24 As I understand the Constitution of the United  
25 States, the highest sentence I could impose upon each

1 one of you is the top of the sentencing guideline range  
2 without regard to any discount for pleading guilty, or  
3 other discount, I see one here for minor role and the  
4 like, there may be other discounts. But I want the top  
5 without any discount at all.

6 Then I want to know the range -- and we're going  
7 to hear the government's range now. Even though in both  
8 cases you're reserving the matter to be argued at  
9 sentencing, I want you to hear the range if everything  
10 goes the government's way.

11 Do you understand I'm not bargaining with you, I'm  
12 not -- I don't have to follow that range, though it  
13 certainly guides me, that these are sentencing  
14 guidelines, and I want to hear that. And then because  
15 we have plea agreements here, I want to hear what the  
16 government proposes to recommend in each case.

17 So going defendant by defendant, counsel, can you  
18 respond to my questions?

19 MR. KOSTO: Yes, I can, your Honor. Shall I start  
20 with Ms. Stockwell?

21 THE COURT: That's fine.

22 MR. KOSTO: So in Ms. Stockwell's case, the top of  
23 the advisory guidelines range, without respect to any  
24 adjustment for acceptance of responsibility, um, would  
25 be 51 months -- a 41-to-51-month range, the top of which

1 is 51 months. The plea agreement contemplates, in the  
2 government's view, that the guideline sentencing range  
3 will be 30 to 37 months and that the government's  
4 recommendation, without regard to the resolution of the,  
5 um, reserved legal issue, as to Ms. Stockwell, will be  
6 24 months.

7 THE COURT: Thank you.

8 MR. KOSTO: Shall I move on to Mr. Gilbert?

9 THE COURT: No, that's exactly right. And now  
10 Mr. Gilbert.

11 MR. KOSTO: So in Mr. Gilbert's case, the top of  
12 the advisory sentencing range after trial would be 63  
13 months, the range being 51 to 63 months. As  
14 contemplated by the plea agreement, if the Court rules  
15 in the government's favor on the enhancement that we've  
16 been discussing, the guideline sentencing range will be  
17 37 to 46 months, and the government's recommendation at  
18 sentencing will be 37 months in custody. If the Court  
19 rules in favor of Mr. Gilbert on the disputed  
20 enhancement, the government's sentencing recommendation  
21 as to Mr. Gilbert will be 30 months.

22 THE COURT: In other words, you'll be low end  
23 however that works out?

24 MR. KOSTO: We tried to take that possibility into  
25 account, your Honor.

1 THE COURT: I understand. And that answered my  
2 question.

3 MS. SHIFMAN: Your Honor? Sorry.

4 THE COURT: Yes.

5 MS. SHIFMAN: With regard to Ms. Stockwell, um,  
6 the plea agreement contemplates that the government's  
7 recommendation would be for not more than 24 months.  
8 It's not a flat 24.

9 MR. KOSTO: That is correct, your Honor, I  
10 misspoke.

11 THE COURT: I appreciate that.

12 All right. So, Ms. Stockwell, this is not the  
13 first time you've heard these numbers, I take it?

14 (Silence.)

15 THE COURT: Ms. Stockwell?

16 MS. STOCKWELL: It is not.

17 THE COURT: So this is terribly important to you.  
18 as I read the Constitution, if you plead guilty, I can  
19 send you to prison for 51 months. Do you understand  
20 that?

21 MS. STOCKWELL: Yes, I understand that.

22 THE COURT: And the Sentencing Commission, these  
23 guidelines that at least they're a starting point for  
24 where I might sentence, they suggest, if things go the  
25 government's way here -- and we don't know, but if

1 things go the government's way, they suggest a sentence  
2 of 30 to 37 months, that's 2 1/2 years to a month over 3  
3 years.

4 Do you understand that?

5 MS. STOCKWELL: Yes, I understand, your Honor.

6 THE COURT: And the government -- now you've made  
7 your agreement with the government and so if you go  
8 through with it, the government has to do what it's  
9 supposed to do under the agreement, and they are going  
10 to say not more than 2 years in prison.

11 You understand that?

12 MS. STOCKWELL: Yes, I understand.

13 THE COURT: But you have to be very clear. If you  
14 plead guilty, I'm sentencing judge and I don't have to  
15 follow it, I could go lower -- I could go lower than 24,  
16 and you're saying well not more than 24, but I could go  
17 up all the way to 51 months. Do you understand that?  
18 That's a lawful sentence in your case.

19 MS. STOCKWELL: Yes, I understand that, your  
20 Honor.

21 THE COURT: And again sticking with you, um, other  
22 than the plea agreement that I've seen here, do you have  
23 any agreement or any promise from anyone to get you to  
24 plead guilty?

25 MS. STOCKWELL: No, I do not.

1 THE COURT: Anyone threaten you with anything to  
2 get you to plead guilty?

3 MS. STOCKWELL: No.

4 THE COURT: This is an alleged conspiracy. Are  
5 you covering up for someone else by pleading guilty  
6 yourself?

7 MS. STOCKWELL: No, I'm not.

8 THE COURT: You know that if you're not a citizen  
9 of the United States, conviction of these crimes may  
10 have the consequence of your being deported from the  
11 United States, denied naturalization under the laws of  
12 the United States, denied admission to the United  
13 States. Do you know that?

14 MS. STOCKWELL: Yes, I understand that.

15 THE COURT: If you plead guilty to these crimes,  
16 then never again will you be permitted -- because these  
17 are felonies, so you can never again possess a firearm  
18 or ammunition.

19 You understand that?

20 MS. STOCKWELL: Yes, I understand.

21 THE COURT: Have you had enough time to talk all  
22 this over with your attorneys?

23 MS. STOCKWELL: Yes, I have.

24 THE COURT: Do you think they've been good  
25 attorneys for you, gotten for you those things which are

1 your rights under the law?

2 MS. STOCKWELL: Yes, I do.

3 THE COURT: Are you satisfied with your attorneys?

4 MS. STOCKWELL: Yes, I am.

5 THE COURT: Do you still want to plead guilty?

6 MS. STOCKWELL: Yes, I do.

7 THE COURT: Why?

8 MS. STOCKWELL: Because I am guilty of the  
9 offenses.

10 THE COURT: Very well.

11 Now, Mr. Gilbert, in your case, again as I read  
12 the Constitution -- and I understand your attorney can  
13 challenge these things, but that's why I turned to the  
14 government's attorney to hear what he had to say. If  
15 these things are right, I can send you to prison for 63  
16 months -- 5 years and 3 months.

17 Do you understand that?

18 MR. GILBERT: Yes.

19 THE COURT: And the range that will be suggested  
20 to me, if things go the government's way on this  
21 disputed point, is 37 to 46 months in prison.

22 Do you understand that?

23 MR. GILBERT: Yes.

24 THE COURT: And if things go your way, the range  
25 will be 30 to 37 months.



1           You understand that?

2           MR. GILBERT: Yes.

3           THE COURT: In each case -- and you've got your  
4 deal with the government, they will recommend the low  
5 end. The low end, if things go their way, they'll  
6 recommend 37 months. If things go your way, they'll  
7 recommend 30 months -- 2 1/2 years in prison.

8           Do you understand that?

9           MR. GILBERT: Yes, I do.

10          THE COURT: And again I'm not bound by these  
11 numbers, I'm not bound by the recommendation, I will  
12 hear your counsel's recommendation, I'll listen to you.  
13 So I could go lower. But you must understand that I  
14 could go higher up to 63 months.

15          Do you understand that?

16          MR. GILBERT: Yes, I do, sir.

17          THE COURT: Now other than this plea agreement,  
18 and that is a promise by the government, has anyone  
19 promised you anything to get you to plead guilty?

20          MR. GILBERT: No.

21          THE COURT: Are you covering up for someone else,  
22 has anyone threatened you with anything to get you to  
23 plead guilty?

24          MR. GILBERT: No.

25          THE COURT: Are you covering up for someone by

1 pleading guilty?

2 MR. GILBERT: No, I'm not.

3 THE COURT: Do you know that if you're not a  
4 citizen, conviction of these crimes may have the  
5 consequence of your being deported, denied  
6 naturalization, denied admission to the United States?

7 MR. GILBERT: I understand.

8 THE COURT: These are felonies. If you're  
9 convicted of these crimes, you can never again have a  
10 firearm or ammunition.

11 You understand that?

12 MR. GILBERT: Yes, I do.

13 THE COURT: Have you had enough time to talk all  
14 this over with your attorney?

15 MR. GILBERT: Yes, I have.

16 THE COURT: Are you -- do you think they've done a  
17 good job -- well, it's Ms. Kane. Do you think she's  
18 done a good job for you, gotten you those things that  
19 are your rights here under the law?

20 MR. GILBERT: Yes, I think she's done a good job.  
21 Thank you.

22 THE COURT: Are you satisfied with her  
23 representation of you?

24 MR. GILBERT: Yes.

25 THE COURT: Do you still want to plead guilty?

1 MR. GILBERT: Yes, sir.

2 THE COURT: Why?

3 MR. GILBERT: Because it's the right thing to do  
4 and, um, I made a mistake and I need to own up to it.

5 THE COURT: Well these crimes are not "mistakes,"  
6 there have to be knowing agreements to do acts that the  
7 law makes criminal. That isn't a mistake.

8 You understand that?

9 MR. GILBERT: I do understand.

10 THE COURT: Because if it were just a mistake, um,  
11 you can't be found guilty, they require specific intent  
12 to do acts that the law makes criminal.

13 You're clear on that?

14 MR. GILBERT: Yes, sir.

15 THE COURT: And you want to plead guilty here?

16 MR. GILBERT: Yes, sir.

17 THE COURT: All right. I'm going to turn to the  
18 government briefly and have them just touch on those  
19 matters that are essential elements of the case without  
20 regard to the disputed facts, that matter we'll reserve  
21 until the time of sentencing. Each one of you listen to  
22 it because I'm going to ask each one of you, as it  
23 pertains to you, do you understand it and whether the  
24 recitation is true.

25 Counsel.

1 MR. KOSTO: Thank you, your Honor, and I will  
2 steer clear of the question of a pattern of harassment  
3 for the recommendation.

4 THE COURT: All right.

5 MR. KOSTO: Had the case proceeded to trial the  
6 United States would have proven beyond a reasonable  
7 doubt each of the elements of the two charged offenses  
8 in the information through, among other evidence,  
9 witness testimony, including the testimony of witnesses  
10 who are cooperating with the government's investigation,  
11 through physical evidence, through electronic  
12 communications both to the victims and between and among  
13 the co-conspirators, as well as to and from  
14 third-parties, and business records.

15 And that evidence would show that between  
16 approximately August 5th, 2019 and August 23rd, 2019,  
17 the defendants, Mr. Gilbert and Ms. Stockwell, who I'll  
18 refer to together today as "the pleading defendants,"  
19 along with defendants Veronica Zea and Stephanie Popp,  
20 to whom the Court has taken a guilty plea, and  
21 separately-charged co-conspirators Jim Baugh, David  
22 Harville, Philip Cook, and others, all employees or  
23 contractors at eBay, Inc., the multinational eCommerce  
24 company, agreed to engage in a stalking campaign  
25 targeting a husband and wife who live in Natick

1 Massachusetts, they're identified here as "Victim 1" and  
2 "Victim 2," and to tamper with witnesses to the criminal  
3 investigation of that harassment that followed.

4 The campaign targeted Victim 1 and Victim 2, the  
5 evidence would show, through their roles in publishing a  
6 newsletter that reported on issues of interest to people  
7 who sold products on eBay. Senior executives at eBay  
8 were frustrated with the newsletter's tone and its  
9 content and with the tone and content of comments  
10 underneath the newsletter's articles. A stalking  
11 campaign arose from communications between those  
12 executives and Jim Baugh, who was eBay's Senior Security  
13 Officer at the time.

14 The campaign, which was intended to intimidate and  
15 harass the victims, included the sending of threatening  
16 communications to the victims over Twitter, which the  
17 evidence would show is an instrumentality of interstate  
18 commerce, in ordering unwanted and disturbing deliveries  
19 to the victim's home here in Massachusetts, and Ms. Zea,  
20 Mr. Harville, Mr. Baugh, and Ms. Popp's traveled to  
21 Natick to surveil the victims in their home and  
22 communities.

23 The evidence would show the deliveries ordered  
24 included -- to the victim's home included a book on  
25 "Surviving the Death of a Spouse," a bloody pig mask,

1 um, the attempted order of a fetal pig, a funeral  
2 wreath, and live insects. The harassment also featured  
3 Craig List posts inviting the public for sexual  
4 encounters or estate sales at the victim's home.

5 Offending Twitter messages were written to Victim  
6 1 and sometimes addressed to her husband, Victim 2, as  
7 if they had been sent by eBay sellers who were unhappy  
8 with the victim's coverage in the newsletter. Some of  
9 these messages posted the victim's address publicly on  
10 the internet and threatened to visit the victims at  
11 their home.

12 An August 22nd, 2019 message stated, for example,  
13 that newsletter, "20 years of lies and destroying  
14 families, don't be proud of that, you worthless bitch.  
15 I will destroy your family and business to see how you  
16 like it," slash Elei\_Tui, "When are we going to visit  
17 her in Natick?"

18 Mr. Baugh intended for the harassment and  
19 intimidation to distract the victims from publishing the  
20 newsletter, to change the newsletter's coverage of eBay  
21 and ultimately to enable eBay to contact the victims to  
22 offer assistance with the harassment, what the  
23 government has called a "White Knight Strategy." The  
24 White Knight Strategy would earn goodwill with the  
25 victims such that they might help eBay learn the

1 identify of them and discredit "Filemaster," who was an  
2 anonymous online persona who frequently posted negative  
3 comments about eBay underneath the newsletters's  
4 articles.

5 The evidence would show that Mr. Baugh,  
6 Mr. Harville, and Ms. Veal, also travelled to Natick on  
7 August 15th, 2019. Mr. Baugh and Mr. Harville intended  
8 to install a GPS tracking device on the victim's family  
9 car when it was safely locked in the victim's garage.  
10 The victim spotted the surveillance team on August 16th,  
11 which led them to call the Natick Police Department in  
12 fear. Ms. Veal, Mr. Baugh, and Ms. Popp, would arrive in  
13 Boston to replace Mr. Harville on the surveillance team  
14 on August 17th, and continued that surveillance even  
15 after having been spotted by the victims.

16 The NPD, which was investigating the deliveries,  
17 the threats, and the surveillance, connected Ms. Veal and  
18 Mr. Harville to two rented cars and then to eBay to whom  
19 they reached out for assistance. When the pleading  
20 defendants and Ms. Popp, Ms. Veal, Mr. Baugh, Mr. Gilbert  
21 -- um, excuse me, Mr. Cook and Mr. Harville, learned  
22 that the NPD was making inquiries, they agreed to  
23 prevent the NPD from learning about the harassment  
24 campaign and with the support of Ms. Stockwell,  
25 Ms. Popp, Mr. Cook, Mr. Baugh, and others, Mr. Gilbert

1 made false statements directly to the NPD. Several of  
2 the co-conspirators also made false statements to  
3 internal investigators for eBay who were attempting to  
4 respond to the NPD's request for assistance. All the  
5 co-conspirators also either deleted digital evidence  
6 related to the cyberstalking campaign or fabricated  
7 records intended to throw the NPD off the trail. As  
8 these events were unfolding in late August of 2019, the  
9 NPD referred the victim's harassment matter to the  
10 Federal Bureau of Investigation's Boston field office.

11 As I've said previously, your Honor, although not  
12 every co-conspirator was aware of every act taken in  
13 further of the cyberstalking campaign, the evidence  
14 would show that each co-conspirator, including the  
15 pleading defendant, agreed to harass or intimidate the  
16 victims and to the use of facilities of interstate  
17 commerce to engage in a course of conduct that caused or  
18 would reasonably be expected to cause substantial  
19 emotional distress to Victims 1 and 2.

20 As to each of the pleading defendants today, your  
21 Honor, with respect to overt acts in furtherance of a  
22 conspiracy, on or about the dates below the pleading  
23 defendants below took these steps described in  
24 furtherance of the conspiracies charged in Counts 1 and  
25 2 of the information.



1           As to Mr. Gilbert, on August 6th, 2019, he met  
2           with Mr. Baugh, Mr. Cook, and Ms. Popp, at eBay  
3           headquarters to plan what the government's called "the  
4           White Knight Strategy," a series of increasingly  
5           harassing messages that would culminate in Mr. Gilbert's  
6           call to the victims to offer assistance with the  
7           harassment.

8           On August 14th, 2019, Mr. Gilbert met with  
9           Mr. Baugh, Mr. Harville, Ms. Vea, and Ms. Popp, at eBay  
10          headquarters again to plan a surveillance trip to Natick  
11          for the installation of a GPS tracker on the victim's  
12          car.

13          On August 20th, 2019, in a WhatsApp group created  
14          to vet the content of the anonymous messages intended  
15          for Victim 1, Mr. Gilbert proposed to Mr. Cook,  
16          Ms. Popp, and Mr. Baugh, the creation of more anonymous  
17          Twitter accounts in support of, quote, "our cause," and  
18          proposed specific communications criticizing the  
19          newsletter to be sent over those new anonymous accounts.

20          The same day, at 9:39 p.m., Mr. Gilbert sent the  
21          WhatsApp messages that stated, quote, "The more I think  
22          about it, I do think we should bring dossiers on the  
23          victims to the PD, definitely want to make them look  
24          crazy."

25          At 2:30 the following day, Thursday, August 21st,

1 2019, Mr. Gilbert contacted the victims to offer  
2 assistance with the harassment in connection with the  
3 White Knight Strategy. He reported back in a WhatsApp  
4 message to Mr. Baugh, Ms. Popp, and Mr. Cook, that  
5 "they," referring to the victims, "are totally rattled."

6 At 4:33 p.m. that day, he sent another WhatsApp  
7 message to the same group stating, "We need to pin the  
8 deliveries to a POI, or a "Person Of Interest," in the  
9 San Jose, Santa Clara area after learning that the  
10 Natick Police Department was investigating the use of a  
11 prepaid debit card in the San Jose, Santa Clara area.

12 Finally as to Mr. Gilbert, on August 22nd, 2019,  
13 he met with members of the NPD, including a detective  
14 who was investigating the harassment, and falsely stated  
15 that Ms. Vea and Mr. Harville had been in Boston to  
16 attend a software development conference.

17 As to Ms. Stockwell, on August 5th, 2019, acting  
18 at Mr. Baugh's direction, she purchased at a Best Buy in  
19 Santa Clara California, using cash, a laptop for use in  
20 harassing the victims.

21 On August 9th, 2019, she used an anonymous e-mail  
22 account created for the purpose of ordering online live  
23 spiders for delivery to the victim's home.

24 On August 17th, 2019 at approximately 4:30 in the  
25 morning Eastern time, she used a prepaid debit card to

1 purchase a late-night pizza delivery to the victim's  
2 home.

3 On August 17th, 2019 she used her eBay-issued cell  
4 phone to research Boston area late-night drain repair  
5 and adult entertainment services in connection with  
6 possible harassing activities.

7 On August 21st, 2019, again acting at Mr. Baugh's  
8 direction, she prepared an eBay "Person Of Interest," or  
9 POI report for the Bay Area, a list that was to be given  
10 as potential leads to the NPD to deflect the NPD's  
11 attention from the fact that it was eBay employees who  
12 had used the debit cards to make the harassing  
13 purchases.

14 Your Honor, with those, um -- with those facts the  
15 government would respectfully submit that the Court  
16 would have an adequate factual basis to find that the  
17 defendants could knowingly and voluntarily plead guilty  
18 to the offenses charged in the information.

19 THE COURT: Thank you.

20 Ms. Stockwell, did you hear what counsel had to  
21 say?

22 MS. STOCKWELL: Yes, I did, your Honor.

23 THE COURT: Do you understand it?

24 MS. STOCKWELL: I do.

25 THE COURT: Now as to those things that pertain to

1     you and of which you had knowledge, are all those things  
2     true?

3             MS. STOCKWELL:  Yes, they are.

4             THE COURT:  Very well.

5             And, Mr. Gilbert, did you hear what government  
6     counsel had to say?

7             MR. GILBERT:  Yes, sir.

8             THE COURT:  And as it pertains to you and those  
9     matters about which you have knowledge, are all those  
10    things true?

11            MR. GILBERT:  Yes, sir.

12            THE COURT:  All right.  I do find that  
13    Ms. Stephanie Stockwell and Mr. Brian Gilbert,  
14    knowingly, intelligently, and voluntarily, exercised  
15    their right to plead guilty and the Clerk may accept the  
16    plea.

17            Well actually there's one more right here that I  
18    should mention.

19            Going back to the days -- you have not yet pleaded  
20    to this information so you're being arraigned on this  
21    information, and, um, in the days when many people could  
22    not read, you have a right to have the information read  
23    in open court.

24            I assume you've read it and are not particularly  
25    interested in having it -- well it's not for me to say,

1     you have that right. So let me ask you and follow the  
2     same procedure.

3             Ms. Stockwell, do you want the Clerk to read the  
4     information before you plead to it?

5             MS. STOCKWELL: No, I don't, your Honor.

6             THE COURT: All right, she waives the reading of  
7     the information.

8             And, Mr. Gilbert, do you want her to read the  
9     information?

10            MR. GILBERT: No, your Honor.

11            THE COURT: He waives the reading of the  
12   information.

13            Now I'm going to turn to Ms. Gaudet and as to each  
14   one of you, in the appropriate legal fashion, she's  
15   going to arraign you, and she's going to say "How do you  
16   plead to this information, guilty or not guilty?" If  
17   you don't want to go through with it, I mean that's  
18   fine, I've said that throughout, just tell her "No" or  
19   tell her "Not guilty." But if you plead guilty, then  
20   you're guilty, no taking it back or starting over.

21            Very well. The Clerk may arraign each of the  
22   pleading defendants.

23            THE CLERK: Mr. Brian Gilbert and Ms. Stephanie  
24   Stockwell, the United States Attorney has charged you  
25   both in a two-count information, within Count 1,

1 conspiracy to commit cyberstalking in violation of Title  
2 18, United States Code, Section 371. In Count 2,  
3 conspiracy to tamper with a witness, in violation of  
4 Title 18, United States Code, Section 371.

5 Mr. Brian Gilbert, how do you now plead to Counts  
6 1 and 2, guilty or not guilty?

7 MR. GILBERT: Guilty.

8 THE COURT: Ms. Stephanie Stockwell, how do you  
9 now plead to Counts 1 and 2, guilty or not guilty?

10 MS. STOCKWELL: Guilty.

11 THE COURT: Thank you.

12 All right. The status of bail on the part of the  
13 government?

14 (Pause.)

15 THE CLERK: You're on mute, Seth.

16 MR. KOSTO: Yes, I apologize.

17 The probation officer has proposed a series of  
18 conditions of continued release for each of the  
19 defendants that are acceptable to the government.

20 THE COURT: And, um, Ms. Shifman, are those terms  
21 acceptable to you?

22 MS. SHIFMAN: They are, your Honor.

23 THE COURT: And Ms. Kane?

24 MS. KANE: Yes, they're acceptable.

25 THE COURT: All right. And I'll let the Clerk

1 announce a time for sentencing.

2 THE CLERK: Sentencing for Ms. Stockwell is March  
3 11th at 2:00 p.m.

4 THE COURT: Let's pause there.

5 Is that satisfactory to the government?

6 MR. KOSTO: Yes, it is, your Honor. Thank you.

7 THE COURT: And Ms. Shifman?

8 MS. SHIFMAN: Yes, your Honor, that's fine. Thank  
9 you.

10 THE COURT: All right.

11 And as to Mr. Gilbert?

12 THE CLERK: May 6th at 2:00 p.m.

13 THE COURT: And, Ms. Kane, is that -- or the  
14 government, is that satisfactory to the government?

15 MR. KOSTO: It is, your Honor.

16 THE COURT: And, Ms. Kane, is that satisfactory to  
17 you?

18 MS. KANE: Yes, your Honor.

19 THE COURT: Very well. So those dates, at  
20 2:00 p.m., Eastern Standard Time or Eastern Daylight  
21 Savings Time, will be the, um, sentencing dates and  
22 times. And I think we may recess. We'll recess.

23 (Ends, 4:00 p.m.)  
24  
25

## C E R T I F I C A T E

I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER, do hereby certify that the forgoing transcript of the record is a true and accurate transcription of my stenographic notes, before Judge William G. Young, on Thursday, October 29, 2020, to the best of my skill and ability.

/s/ Richard H. Romanow 05-3-21

\_\_\_\_\_  
RICHARD H. ROMANOW Date